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University of Nottingham Rights Lab

# Seasonal migrant workers in the UK agricultural sector: grievance mechanisms and access to remedy

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This report was written by Dr Lara Bianchi, Associate Professor at the Nottingham University Business School, and Dr Oana Burcu, Senior Research Fellow at the Rights Lab, University of Nottingham.

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# Executive summary

This report presents the findings of a research project which identified current challenges and areas for improvement in the provision of grievance mechanisms and effective access to remedy for human rights abuses faced by seasonal migrant workers in the UK agricultural sector. Amid concerns over labour shortages in the British agricultural sector, the UK government launched a pilot Seasonal Workers Scheme (SWS) in 2019, which in 2024 was extended until 2029. We report below a summary of key findings from collected data.

- Many workers report a positive experience within the scheme, which allows them to work in a country where they feel treated fairly and enabling them to achieve their financial goals.
- Some growers and scheme operators (ie, labour providers) show a strong commitment towards the respect for workers' rights, going beyond minimum requirements and raising the standards of the SWS, through the recruitment process, the provision of working and living conditions, and the overall due diligence process that they put in place.
- Scheme operators can leverage a vast international pool of workers to fill agricultural roles, presenting an opportunity to optimise workforce matching and ethical recruitment practices which might help: i) meet workers expectations and prevent adverse human rights impacts, and maintain grievances at a minimum ii) keep returnee rates high, with a direct impact on productivity and costs.
- However, the agricultural sector exhibits a wide range of practices, with the SWS lacking a clear delineation of responsibilities on workers' rights (and related access to remedy), and providing little incentives for growers and scheme operators to enhance standards.
- The overall responsibility for the SWS remains with the Home Office, which delegates responsibilities on workers' rights and welfare to other public agencies and to businesses, primarily scheme operators and growers. The complexity of the SWS governance system translates in an over-reliance on business responsibilities to respect workers' rights, ensure their welfare, and provide access to remedy. The scheme primarily aims at regulating the migration flow, with limited consideration of the sector production needs and/or workers' rights.
- *De facto*, migrant workers' access to State-based grievances remains minimal. Their legal status paired with the short-term of their stay make the access to State-based mechanisms challenging. Within the SWS, scheme operators are responsible for workers' safety, fair payment, and fair treatment on farms, and to ensure that procedures are in place to enable workers to report any concerns to them. However, it is the employers (ie, farms) who are required to provide on-site grievance mechanisms, both by law and by audits often conducted by scheme operators and/or retailers.
- Stakeholders from the SWS have varied understandings of grievance mechanisms and their connection with access to remedy. While some organisations have human rights policies and due diligence processes in place, others seem to be little aware of the connection between adverse human rights impacts – grievance mechanisms and access to remedy.
- In terms of current practice within the SWS, most workers identify 'office staff', typically site liaison officers and supervisors, as their primary grievance mechanism channels. In cases where scheme operators place their own staff on farms, then their staff seemed to be the preferred first points of contact for workers. Numerous grievance mechanisms are available to workers at the same time, and often in multiple languages, but most often supervisors are both the most common source of work grievances (due to perceived abuse of power, discrimination, verbal abuse) and the most common channel for raising a grievance.
- The majority of grievances are filed informally and not logged, which makes it difficult to identify trends, and verify if and how they are resolved. Workers whose growers and scheme operators are non-responsive to grievances tend to be unaware of where else they can turn for help.
- The temporality of the workers' visa is such that workers' self-organisation is unlikely, and the provision of an effective remedy following a grievance is challenging post-departure.
- Gender dimension: with very few exceptions, both farm managers, labour providers and retailers seem to consider the migrant workforce in the UK agriculture sector at a low or no risk of gender-related abuses. None of the grievance mechanisms we encountered include a gender dimension to their accessibility – ie, a designated safe way for women to report their gender-specific concerns.
- Most workers we interviewed are pleased with the numbers of hours worked and contract length, but report that penalties are sometimes harsh, especially for newcomers who are not always trained on the job. Despite the availability of grievance mechanisms, even anonymously, the structure of the SWS often creates fear of job loss, discouraging workers from raising (written) concerns.
- Many SWS actors still consider grievance mechanisms as a mere legal requirement, with the risk of these mechanisms being reduced to a tick box exercise. These mechanisms can actually unlock a multitude of operational and financial advantages, reducing the risk of media exposure and/or disengagement from buyers, so becoming a proper risk management tool. Businesses with robust ethics and/or compliance procedures display organisational changes generated thanks to learnings from grievance mechanisms.

# Introduction

This report presents the findings of a research project conducted by the University of Nottingham. The study identifies current challenges and areas for improvement in the provision of **grievance mechanisms and effective access to remedy** for human rights abuses faced by seasonal migrant workers in the UK agricultural sector. While it is not uncommon for grievance mechanisms to collect any type of complaints, businesses should be able to recognise and act on grievances related to potential **adverse human rights impacts**. Adverse impacts occur when an action or omission removes or reduces the ability of an individual to enjoy their human rights, including rights related to decent working and living conditions.

The agriculture sector plays a vital role in providing food security and meeting the increasing demand of a growing population. In the UK, the sector has distinct characteristics shaped by the home countries' public policies, market demands and climate. Nonetheless, it shares some of the risks of worker abuses common in labour-intensive sectors around the world. Due to the significant **manual labour** still involved, which is often seasonal, precarious, and physically and mentally wearing, the agriculture sector is globally considered to be at high risk for adverse human rights impacts on workers. One of the main challenges in recognising and tackling these adverse impacts is the identification of who is responsible and accountable for them. In the majority of cases, there is not one single actor responsible for ensuring the respect for **workers' rights**, but a web of intricately business relationships, linked to legal and ethical responsibilities.

The UK has a mix of farm sizes, from large-scale commercial farms to smaller family-owned farms. The sector is highly mechanised, and the employment of precision farming techniques are increasingly used to optimise yields. Despite a steady and growing emphasis on innovation, and public investments in its automation, manual labour for harvesting, particularly for soft fruit, remains predominant in the country, with a longstanding reliance on workers from overseas. The sector's **supply chain** is extremely complex, with an interplay of multiple actors and an aggregation of products from multiple locations. In the last few years, the supply chain has been severely disrupted, particularly following Brexit and the war in Ukraine, with issues related to trade logistics, regulatory alignment, and labour availability.

Concerns have continued to emerge about the design and implementation of the seasonal workers scheme, particularly regarding actors' division of roles and responsibilities within the scheme, as well as the recruitment, employment and living conditions of workers. On top of that, UK agriculture is increasingly facing challenges related to **climate change**, including unpredictable weather patterns and extreme events, which have direct consequences on production and labour patterns. This project stems from these concerns and is based on the premise that human rights, including labour rights, are actualised through the provision of an effective remedy. By law, UK employers must set out a grievance procedure which is shared with all employees, while scheme operators should ensure that procedures are in place to enable workers to report any concerns to them – even if no further details are provided on how to do so. A grievance procedure should allow individuals or groups to make an inquiry, express a concern or file a complaint. Grievances (see p. 11) are – or should be – directly related to the provision of an effective remedy for affected rights holders.

This report aims to inform practitioners on current practices, and improve an understanding of what works in the provision of effective grievance mechanisms in the UK agricultural sector.

In developing our recommendations, we considered the specific vulnerabilities and personal characteristics of seasonal migrant workers, intersected with the complexities of the agricultural sector in the UK and the required effectiveness criteria as set by the United Nations Guiding Principles on Business and Human Rights (see p. 12) (UNGP, 31).

# Methods

The project adopted a qualitative method approach, using both secondary and primary data.

We initially conducted desk research, drawing on a range of publicly available documents including guidelines and toolkits on non-State grievance mechanisms at both national and international levels. We also reviewed the academic literature pertaining to grievance mechanisms, as well as business-related documents such as companies' non-financial reports, modern slavery statements, and human rights policies, where available. We found that publicly available data on access to remedy within the SWS is minimal, despite rich data being collected by a range of actors, including multiple surveys conducted on workers (such as the one conducted by DEFRA). Additionally, there is a general over-reliance on social audits on both farms and scheme operators, which cannot always be considered reliable for collecting data on workers' abuses, and related remediation process.

Given the complexity of capturing comprehensive information on business practices, as well as on workers' journeys, their lived experiences, and their vulnerabilities, we specifically made a choice not to employ quantitative methods, including surveys, but to conduct narrative interviews with relevant actors. This allowed us to secure a more in-depth understanding of current challenges and areas for improvement in the provision of grievance mechanisms to seasonal migrant workers in the UK agricultural sector.

We are grateful to the farms that allowed us to conduct fieldwork in their premises, and to interview their workers and managers. Given that these farms had generally high compliance standards, to mitigate the risk of collecting a biased sample, we also conducted interviews using a snowballing approach, reaching out to current and former migrant workers employed in different farms across the UK. We posted interview calls via social media channels, accessing groups in different languages, and asked workers to refer other potential interviewees.

We collected a total of 24 interviews with workers, and 25 with business representatives, including scheme operators, farms, buyers, and trade associations, NGOs and public actors.

In February 2024, a scheme operator allowed one of the researchers to attend an in-country recruitment trip to Bishkek, Kyrgyzstan. This gave us the opportunity to observe the initial part of a worker's migration journey, from source country to the UK.

Lastly, in spring 2024 we hosted one community of practice and one focus group with practitioners, academics and representatives from farms and scheme operators. These two events created the opportunity to share experiences, deepening our understanding of challenges in the provision of grievance mechanisms and exploring concrete strategies to improve current practices.





# Context and background

Amid concerns over labour shortages in the British agricultural sector, the UK government launched a pilot Seasonal Workers Scheme (SWS) in 2019, managed by the Home Office. Initially, the scheme was trialled for one year with 2,500 jobs available. Since its inception, the scheme has expanded significantly, becoming a crucial source of labour for the sector. Between 2022-2024, the scheme offered approximately 34,000 jobs each year, and extended its scope to include both ornamental and edible horticulture. In 2024, the Department for Environment, Food & Rural Affairs (DEFRA) announced an extension of the scheme until 2029, enabling scheme operators and growers to plan recruitment in advance.

The primary aim of the scheme is to decrease reliance on migrant workers by promoting automation and the recruitment of domestic workers. However, soft fruit production in particular presents challenges to automation. In addition, recruiting domestic workers has proved difficult, with only 3.3% of the seasonal workforce being from the domestic labour pool. The reliance on migrant workforce is therefore likely to continue. While Ukraine, Romania and Bulgaria used to represent the main pool of recruitment, post-Brexit and Russia's invasion of Ukraine, workers are now predominantly recruited from Central Asia, and some from Moldova, Indonesia, Romania and Bulgaria, and Ukraine (females only).<sup>1</sup>

To enroll in the Seasonal Worker Scheme (SWS), applicants must first secure a job offer from one of the six licensed scheme operators. These operators then provide workers with a certificate of sponsorship and assign them to a farm. Visas under the SWS are issued for a maximum of six months within a year.

All expenses, including visa fees, transportation, and accommodation, are the responsibility of the workers. Upon arrival in the UK, workers are guaranteed a minimum of 32 hours of work per week and paid at least the living wage (£11.44 per hour). Most workers reside in accommodation provided on farms.

Workers are restricted to the agricultural sector, and any change of employer must be approved by the labour operator. Additionally, workers cannot extend their visa, bring family members, or claim benefits.

## Seasonal Worker Scheme: Scope and responsibilities

The Scheme offers a complex labour governance system, in which actors from different governance regimes (public actors, businesses and civil society) interact with each other in search of the sector functionality while regulating migration flows.

The overall responsibility for the SWS remains with the Home Office, which however delegates responsibilities on workers' rights and welfare to other public agencies and to businesses, primarily scheme operators and growers.

Figure 1 – Seasonal Worker Scheme – Stakeholder Map

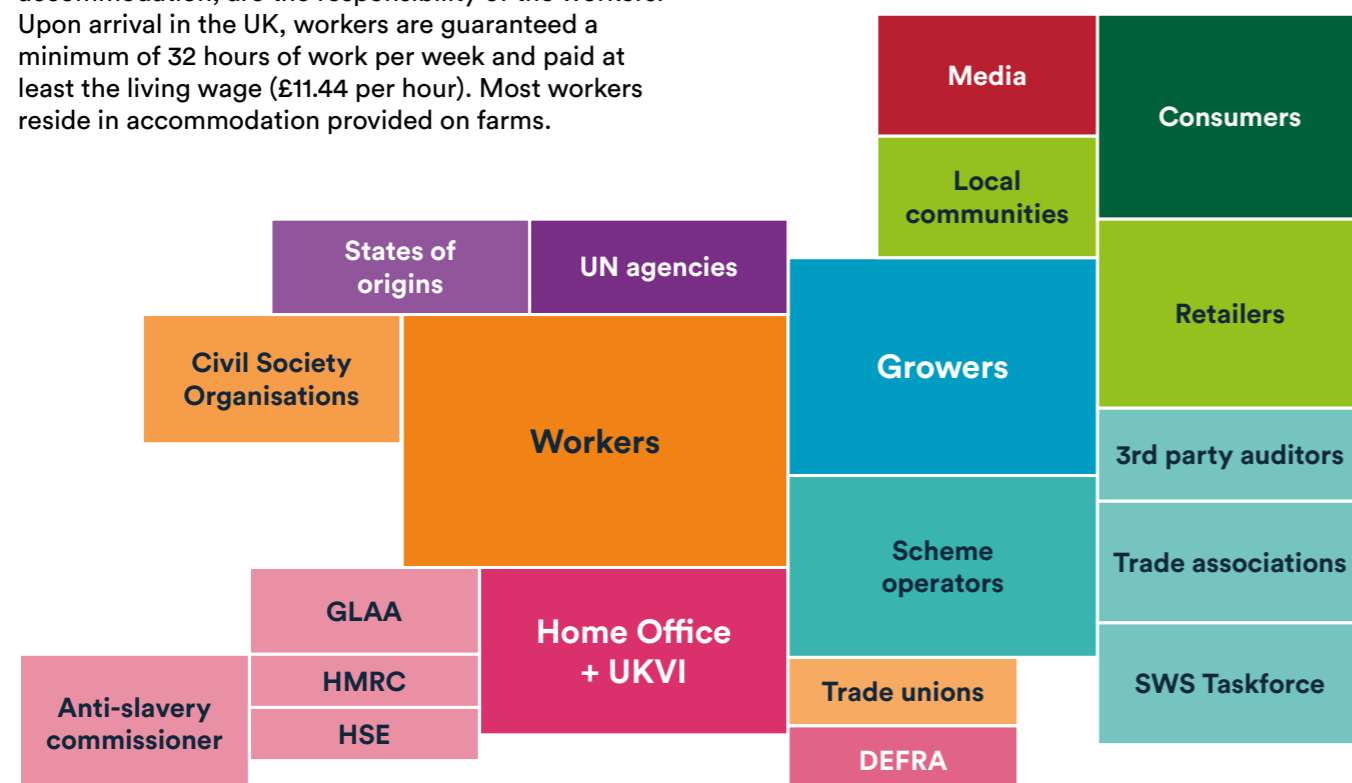


Table 1 – Tasks and responsibilities of different actors as formally established by the SWS

	Home Office (with UK Visa and Immigration - UKVI)	<ul style="list-style-type: none"> <li>Oversees the SWS</li> <li>Licences scheme operators on the SWS</li> <li>Creates guidance and allocates certificates of sponsorship for scheme operators</li> <li>Issues visas to workers, and enforces immigration rules</li> <li>Conducts farm visits to assess compliance on farm, including worker welfare interviews</li> </ul>
PUBLIC	Gangmasters and Labour Abuse Authority (GLAA)	<ul style="list-style-type: none"> <li>Licences scheme operators as gangmasters</li> <li>Collects licensing fees from scheme operators</li> <li>Monitors scheme operators against GLAA licencing standards, but does not monitor working conditions on farms under the scheme unless there are modern slavery indicators</li> </ul>
	Department for Environment, Food and Rural Affairs (DEFRA)	<ul style="list-style-type: none"> <li>Endorses scheme operators, which then must apply to the Home Office for a licence. DEFRA's assessment is based on (1) the ability to meet the Home Office requirements (2) the capability to supply workers, and (3) the ability to deliver in the interest of the sector</li> </ul>
	Department for Business, Energy, and Industrial Strategy (BEIS)	<ul style="list-style-type: none"> <li>Covers minimum wage compliance</li> </ul>
	Health and Safety Executive (HSE)	<ul style="list-style-type: none"> <li>Regulates workplace health and safety, conducting targeted campaigns (instead of inspecting farms)</li> </ul>
BUSINESS ACTORS	Scheme Operators (SO)	<ul style="list-style-type: none"> <li>Recruits workers, offer jobs and assign certificates of sponsorship to workers</li> <li>Sets up agreements with growers for the provision of workers</li> <li>Offers pre-departure orientation training</li> <li>Some SO pay workers directly via a "managed model"</li> <li>Handles requests for transfers to different farms</li> <li>Monitors workers they are sponsoring to ensure fair working conditions, compliance with health and safety regulations, and decent living conditions</li> <li>Complies with visa requirements, ie ensure &gt;95% of workers are granted visas, &gt;95% of workers with approved visas, arrive in the UK, &gt;97% of workers leave the UK at the end of their visa</li> </ul>
	Growers	<ul style="list-style-type: none"> <li>Issues requests for workers to scheme operators</li> <li>Directly pays workers at least the national living wage and must guarantee 32 hours per week averaged over the pay period (regardless whether work is available)</li> <li>Are responsible for workers under employment and health &amp; safety law</li> </ul>
WORKERS	Workers	<ul style="list-style-type: none"> <li>Apply and pay for a visa from the Home Office</li> <li>Travel at their own expenses from home country to the UK farm</li> <li>Can stay in the UK for a maximum of six months in any 12-month period, without the possibility to apply for a visa extension</li> <li>Cannot recourse to public funds, and cannot bring family with them to the UK</li> <li>Can only work at farms where their scheme operator places them, but can request a farm transfer</li> </ul>

The complexity of the SWS governance system translates in an **over-reliance on business responsibilities to respect workers' rights**, ensure their welfare, and provide access to remedy. These responsibilities tend to be vague. The result is an **inconsistent level of workers' protection** depending on the rigour and accountability of the process as determined by different actors involved (including scheme operators' compliance, and growers' actual capacity to provide decent working and living conditions).<sup>2</sup> Through the interviews with business actors, an overall frustration with structural issues related to the scheme emerged.

**"We would love to change the design of the scheme and put workers at the heart of it. But we can't and we are now dealing with the symptoms."**

Retailer

The lack of clarity and accountability on which government departments are responsible for monitoring and overseeing the scheme has been clearly recognised also by the [Independent Chief Inspector of Borders and Immigration](#) and by the [Migration Advisory Committee \(MAC\)](#).

The scheme primarily aims at regulating the migration flow, with a weak consideration of the sector production needs and workers' rights. For instance, employers lack direct input into the choice of their workers.

*The Home Office has three measurements: how many workers are granted visas, how many arrive in the UK, how many exit the country. The only*

*measurement that we are asked about and they seem to be interested in is the latter. (Scheme operator)*

*Before the scheme, we were able to manage our own workforce [...]. And it's no disrespect to any of the operators, but we have always been able to recruit ourselves and choose our own workers. It is really a disadvantage to us as a business. We believe we could recruit better for us. (Farm Manager)*

Over the years the scheme has been criticised for a range of other design shortcomings that put workers at risk of exploitation: the lack of oversight over the recruitment process, workers' dependency on one employer for work and accommodation, the risk of not being able to change sponsors due to visas being linked to one scheme operator only, the risk of accepting exploitative conditions due to the fear of being fired and falling into debt, a lack of accountability within the scheme as well as the limited resources of labour market enforcement proactively conducting investigations.<sup>3</sup>

Such criticism of the SWS is in line with findings at the international level<sup>4</sup>, highlighting how temporary visa schemes by design tend to blur stakeholders' responsibilities, are accompanied by weak enforcement of contractual rights, and maintain a focus on immigration controls, leaving the employers-workers relationship poorly regulated by the State, and hence contributing towards adverse impacts on workers.

This report takes into account these concerns and starts from the premise that labour rights are actualised through the provision of an effective remedy. Affected rights holders should be able to access a range of remedies ([UN, A/72/162](#)), accessible via by both State and non-State-based grievance mechanisms.

## Grievance Mechanisms and Access to Remedy: key concepts

During our data collection, what clearly emerged was an uneven knowledge and understanding of the meaning and scope of grievance mechanisms. Even among bigger organisations, there was a patchy awareness of the broader international expectations on business responsibilities on grievances – as set by the UN Guiding Principles on Business and Human Rights (UNGPs) – and little consciousness of the business case for connecting grievance mechanisms to organisational learning and management practices – including non-repetition. In this section, we provide a summary of key concepts of the overall remediation ecosystem, including grievance mechanisms. Even if business actors involved in the SWS will be focusing on non-State-based operational grievance mechanisms, it is important to understand that these should be part of a broader system offered to workers, in which the State should play the main role in providing accessible State-based (judicial and non-judicial) grievance mechanisms as set by the United Nations.

By UK law, businesses must have a written grievance procedure in place and share it with all employees, while scheme operators must ensure that procedures are in place to enable workers to report any concerns to them. This is paired with a clear expectation on companies of all sizes set by the United Nations to provide grievance mechanisms that allow individuals and groups to access effective remedy for business-related abuses.

A human rights abuse occurs when actions or omissions result in or amount to a breach of international human rights standards. In the UNGPs, the term human rights abuse refers to abuses committed by businesses, and it is closely connected to the term 'adverse human rights impact', which occurs when an action or omission removes or reduces the ability of an individual to enjoy their human rights, including labour rights.<sup>5</sup>

Translating these legal and quasi-legal requirements into managerial practices makes the provision of grievance mechanisms a highly complex matter. We provide in this section a synopsis of key concepts and main expectations related to grievances and access to remedy.

## What are Grievance Mechanisms (GMs)?

- Grievance mechanisms (GMs) are a means through which individuals can raise concerns about actual or potential adverse impacts caused by business activities in search of remedy.
- GMs perform two key functions:
  1. They **provide a channel** to those impacted by businesses to raise concerns.
  2. They make possible for grievances, once identified, to be addressed and for **adverse impacts to be remediated** early and directly by the business itself, thereby preventing harms from compounding and grievances from escalating.
- GMs may not necessarily be established specifically and exclusively to cover business and human rights related grievances, but after the endorsement of the [United Nations Guiding Principles on Business and Human Rights](#) (UNGPs – see below), they are required to provide a pathway to human rights remedy as set by Pillar II of the UNGPs.
- There are three main types of GMs: (1) State-based judicial mechanisms; (2) State-based non-judicial mechanisms; and (3) non-State-based mechanisms. For this latter group, which is the focus of this report, the State is neither involved in establishing or setting them, nor is actively intervening into the operations of the mechanisms, nor is the GM directly linked to the legal or judicial system of the country (eg, via domestic courts).
- **At a company level**, there are **operational grievance mechanisms (OGMs)**, a subset of non-State-based GMs closely connected to the operations of a company (or a group of companies). OGMs can provide early-stage recourse and possible resolution to an adverse impact on the claimant.
- **At a supply chain level**, GMs tend to be designed by a top brand and employed among suppliers and business partners. There is currently very little research on the effectiveness of these mechanisms, and whether a timely resolution and communication with affected individuals is actually guaranteed.
- **At industry level**, industry-based and multi-stakeholder GMs are collaborative initiatives that can provide claimants with additional avenues to remedy. In these cases, companies usually commit to human rights-related standards as a condition of being part of an initiative.



## What is Remedy?

- Remedy aims to rectify human rights abuses. To date, the provision of effective remedy for business-related human rights abuses is one of the greatest failings and most critical areas for growth within human rights protection and corporate accountability.
- The UNGPs set a direct responsibility for businesses to provide victims of human rights abuses with access to effective remedy through non-State-based grievance mechanisms (including OGMs).
- Remedy may include “apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions [...], as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition” (UNGPs, Principle 25).
- The provision of remedy is directly linked to **corporate accountability**: a company takes responsibility for its actions, answers to affected individuals, and is held accountable if its conduct was found to have been deficient.
- There are two key aspects of an effective access to remedy: one is **procedural** (ie, the steps of filing and processing grievances) and one is **substantive** (ie, the outcome of the remedy awarded). In practice, it is still common for the two to remain largely disconnected, which creates a void in the remedial process.
- The **main areas of potential human rights related disputes** between workers and companies which might require remedy are:
  - Complaints with respect to labour rights
  - Complaints with respect to the right to adequate living conditions
  - Complaints with respect to social and community rights (including access to health and social security)

## What are the United Nations Guiding Principles on Business and Human Rights (UNGPs)?

- The UNGPs were unanimously endorsed by the UN Human Rights Council in 2011. They are not a legal norm, but they set a legal standard that goes beyond pure voluntarism. The UNGPs represent the foundation of many regulatory frameworks developed since, including due diligence legislations.
- The UNGPs set a **clear benchmark** for companies to respect human rights as understood – at a minimum – as those included in the International Bill of Human Rights and the International Labour Organisation’s Declaration on Fundamental Principles and Rights at Work.
- The UNGPs are structured around three normative pillars:
  1. the **State duty to protect against human rights abuse**, including abuses perpetrated by business.
  2. the **corporate responsibility to respect human rights**, which is independent by States.
  3. and the need for victims to have **access to an effective remedy**.
- The direct responsibility to respect human rights is extended to **all companies regardless of their size**, sector, operational context, ownership, and structure.
- An integral part of a company’s responsibility to respect human rights is the provision of access to remedy for adverse impacts.

# Grievance mechanisms and corporate accountability in the UK Seasonal Worker Scheme

## Grievance mechanisms: a responsibility map

In general, companies’ grievance mechanisms should complement, without replacing nor compromising, State responsibilities to provide access to remedy through judicial, administrative, legislative or other appropriate means (UNGPs 25). However, de facto, temporary visa migrant workers’ access to **State-based grievances** remains minimal. Their legal status, paired with the short-term conditions of their stay, make the access to State-based mechanisms challenging. Moreover, many of these workers do not speak English, and they would practically struggle to trust and access the system.

*Workers will not approach a government organisation to raise a concern, because based probably on experiences from their home country, they fear that either that won't be received favourably or nothing would be done, or they will have issues with their visa. (Scheme Operator)*

*[Beside farms and operators] workers should go to the UKVI with their unaddressed concerns, but I understand why people wouldn't report issues to an immigration service – it's not intuitive and people are likely to be put off by it. The UKVI have stepped up over the last couple of years [and compliance improved] but they may not see grievance mechanisms within their primary work remit. (SWS stakeholder)*

Within the SWS, scheme operators are responsible for workers’ safety, fair payment, and fair treatment on farms, and to ensure that procedures are in place to enable workers to report any concerns to them. However, it is the employers (ie, farms) who are explicitly required to provide on-site grievance mechanisms, both by law and by audits often conducted by scheme operators and/or retailers. The scheme itself thus creates an **ambiguous responsibility** on those responsible for upholding workers’ rights and those responsible for providing access to remedy, while also failing to provide an effective access to State-based grievance mechanisms.

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**"Scheme operators can have a high degree of influence over grievance mechanisms. These could be part of the requirements of growers, but no discussion on this took place among operators because ultimately they are competitors. There's zero pressure on operators from any side to do anything. They get no recognition if they do a good job – they don't get more business, nothing matters, it's not a fair market. There's an opportunity for the government to take a view on this but they don't, there's no interest in it. It's a race to minimum standard."**

SWS stakeholder

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Fig. 2 – SWS Grievance Mechanisms and Accountability Map

<h2>Farms</h2>	<ul style="list-style-type: none"> <li>■ must provide on-site grievance mechanisms as required:             <ul style="list-style-type: none"> <li>– by UK law</li> <li>– by audits</li> </ul> </li> <li>– as part of their responsibility to respect human rights as set by the UNGPs</li> </ul>
<h2>Scheme operators</h2>	<ul style="list-style-type: none"> <li>■ must ensure workers' welfare on farms, as required by the Scheme, and as part of their responsibility to respect human rights as set by the UNGPs</li> <li>■ some of them offer alternative GM to workers</li> <li>■ must offer workers procedures to "report any concerns" even if these are not formally identified as grievance mechanisms</li> </ul>
<h2>Buyers</h2>	<ul style="list-style-type: none"> <li>■ must seek to prevent or mitigate adverse impacts on human rights that are directly linked to their business relationships, even if they have not directly contributed to those impacts (UNGP 13, B)</li> <li>■ in some cases, they offer their own GMs at a farm-level, and they function as escalation point for more severe cases or cases with no immediate resolution</li> </ul>
<h2>Independent bodies</h2>	<ul style="list-style-type: none"> <li>■ might offer independent GMs publicised at a farm level</li> </ul>

In the Seasonal Worker Scheme, we found a **structural responsibility gap** in the provision of access to remedy, as follows:

### The Home Office

- The tension between supporting the UK agricultural sector with an adequate workforce versus ensuring control over the immigration system leads to an oversight of State's duties to protect workers against human rights abuse by third parties, including businesses.
- From interviews, it emerged that the UKVI has increased its inspections on farms, with a focus on both workers' visas and workers' welfare. However, public data on these inspections are lacking, and there is no clarity on the actions taken post-inspections. An inconsistent monitoring of businesses' compliance with the scheme and labour laws seems to persist, with impacts on the accountability of businesses towards human rights and remedy.
- The lack of clarity on government departments, devolved administrations and local authorities' responsibilities for monitoring working and living conditions of migrants is conducive to a structural weak accountability and uneven access to remedy.
- The memoranda of understanding between sending countries and the UK, which is currently not public, could ensure the respect of workers' rights throughout their migration journey.

### Buyers

- Among retailers, we found a wide variety of awareness and knowledge about GMs, their connection to remedy, and the extent of buyers' responsibility and leverage on supply chain operators. As one buyer told us:
 

*"I think absolutely we have a role to play and especially in supply chains where we can leverage our size and scale, I think there are huge opportunities to do so. I think the challenge for all of us working on this issue, especially around grievance mechanisms and remediation, is that we run the risk of each of us working in silos."*
- Growers complained about buyers' general prioritisation of price over working conditions in assigning orders, which does not incentivise the provision of consistent decent working and living conditions.

### Scheme operators

- DEFRA's assessment of operators remains based on the ability to meet the Home Office requirements, the capability to supply workers, and the ability to deliver in the interest of the sector, with no specific due diligence on scheme operators' ability to respect workers' rights.
- In the scheme, there is no formal responsibility for respecting migrant workers' rights, even if in a specific guidance on seasonal workers, UKVI requires operators to monitor 'worker welfare'. On this, the lack of clarity of what a 'robust and comprehensive' monitoring of worker welfare (as set under immigration rules for sponsorship – SE3.4) remains problematic and somehow detached from ensuring the respect for workers' rights. What might be helpful for scheme operators is to run a human rights due diligence (as set by the UNGPs – Principles 17-22) in order to identify, assess, prevent, mitigate and account for actual or potential human rights impacts on seasonal migrant workers.





## Grievance mechanisms: current practices within the SWS

According to the interviews, most workers identified 'office staff', typically managers and supervisors, as their **primary grievance mechanism channel**. In cases where scheme operators placed their own staff on farms, then their staff seemed to be the preferred first points of contact for workers. The least mentioned grievance mechanisms were "suggestion boxes", GMs offered by "buyers" or "NGOs", and "workers committees". On this latter, the **temporality of the workers' visa** is such that workers' self-organisation is unlikely, which jeopardises their right to freedom of association and prevents an effective route to worker-driven GMs.

Closing the gap between access to grievance mechanisms and the remedy itself might also be structurally impossible due to the temporality of the visa, as there is not enough time to follow up on the complaint, take corrective actions/offer remediation, and consult the claimant on the effectiveness and suitability of the solution offered. The likelihood of workers attaining remediation post-departure from the UK decreases significantly, hence highlighting the importance of dealing with grievances promptly.

**Workers' awareness** of existing grievance mechanisms varied. A few were able to name all available channels available, from supervisors to specific buyers, while others claimed no such channels existed in their farms beyond their supervisors, and others seemed confused altogether. This variation appeared to depend largely on workers' length of experience with the SWS, and the amount of effort scheme operators and farm managers put into communicating different channels. In some cases, even when posters detailing grievance mechanisms in multiple languages were displayed in social rooms or lunch trailers, where we sometimes interviewed workers, some of the workers were still confused about their options to access GMs, or showed little interest:

*I know about these things [grievance channels], but I am not interested. If I have a problem, I just go to my site liaison office. (Interview 18).*

A scheme operator reinforced this view that:

*People typically will raise a complaint more often if they're seeing someone face to face than relying on sending a message. But [nonetheless] it's important to offer various different methods, because the worker might want to complain about the person they would see face to face. (Scheme operator)*

Sometimes, even when multiple grievance mechanisms were available, we found that insecurity or **fear of retaliation** deterred workers from reporting their concerns:

*I never raised this concern because of fear. Even if anonymous reporting was available, I was still fearful, fearful that I will be sent back home. What if someone saw me [when I used the anonymous GM]. (Interview 4)*

*I only raised issues about the accommodation. I knew I would face consequences if I reported my supervisors, so I didn't want to take the risk. (Interview 5)*

In terms of **type of issues reported**, GMs tend to cover a wide variety of reports, which might not always be related to human rights abuses. This creates a managerial challenge for prioritisation of action and intervention.

*Through our whistleblowing helpline we were asked if we could have a football tournament. This is one of the things we are struggling with – how to categorise grievances. Workers report anything. (Farm Manager)*

There is not an easy solution to this issue. Beyond the SWS, it is common for operational grievance mechanisms to collect any type of complaints (or, in some cases, mere suggestions). It is important to find an operational way to **prioritise grievances** that are possibly related to adverse impacts on the worker, but the "how" is down to specific characteristics, size and management practice of the business. Whoever is handling the grievances should be provided with a basic training on how to distinguish human rights abuse-related grievances from more general complaints, in order to be able to prioritise intervention and escalate when necessary.

### The gender dimension of grievance mechanisms in the Seasonal Worker Scheme

Through interviews and in-field research we found a general lack of consideration of **gender-specific risks** in the adoption of GMs within the SWS. With very few exceptions, farm managers, labour providers and retailers seemed to consider the migrant workforce in the UK agriculture sector at a low or no risk of gender-related abuses. None of the GMs we encountered included a gender dimension for their accessibility – ie, a designated safe way for women to report their gender-specific concerns.

*We don't consider the gender dimension because there's nothing that I've seen that suggests that there is a particular gender risk in the scheme here in the UK. (Retailer)*

In another case, a farm supervisors told us that *Workers can come and speak to me freely about anything*

and could not comprehend why a female worker may be uncomfortable to broach certain topics with a male supervisor.

One of the reasons why a gender dimension has not been considered within the SWS might be that, differently from other agricultural contexts around the world, female workers in the UK only represent **25%** of the SWS workforce. Nonetheless, in a male-dominated work environment, female workers might experience specific forms of discrimination, harassment, and specific health and safety issues.

A buyer recounts that when examining one of their suppliers abroad, they found that

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**about 20%-30% of females in [non-UK country] were not able to come to work due to menstruation sanitation. We created some women's health workshops looking at menstruation all the way to menopause, touching on domestic abuse, which have been a real success. We have done a little bit in the UK. When we do our site visits, we will discuss with the site regarding small things like have they put bins in the toilets for the ladies and is there like a spare sanitary pad in the first aid box, you know, really simple stuff which our growers can do which actually make a big difference to female workers.**

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Specifically on sexual harassment, our interviews recorded only a few formally recognised cases on UK farms, one of which prompted the grower to initiate a specific ethical training for all workers during inductions. But none of the GMs seemed to offer a specific and safe route (ie, without fear of facing intimidation or reprisals) for women to report sexual harassment cases on farms.

## Grievance mechanisms as a risk management tool

One of the main challenges in the provision of GMs within the SWS is that many actors still consider GMs a mere legal requirement, which carries the risk of these mechanisms being reduced to a tick box exercise – essentially perceived as a cost without any benefit. Many businesses fear that collecting and addressing grievances may harm their reputation, lead to financial costs, set unwelcomed precedents, or increase the likelihood of legal claims. As a result, businesses tend to lack transparency about their grievance mechanisms, hesitate to report on remedial actions, and avoid admitting responsibility for harm they have caused or contributed to. GMs should not be approached as mere fault-finding exercises, but rather considered a risk management tool, used as a source of continuous learning (UNGP 31.g) for the prevention of future grievances and harms. Part of a broader human rights due diligence process, GMs can actually unlock a multitude of operational and financial advantages while acting responsibly and fulfilling legal requirements, reducing the risk of media exposure and/or disengagement from buyers.

We collected a few examples of businesses that have embarked on an organisational learning journey thanks to their collected grievances, even if interviewees did not always frame them as such. For instance, some of the bigger farms have been able to respond to reported grievances by improving accommodation, or offering new training or innovative practices on specific topics.

*Lending money between managers and workers is a good example [...] even if it is culturally accepted, it isn't something that we want to happen on our farms because we know it causes problems. So, after we realised from workers that this was happening, we started raising awareness on the topic, offering support where needed. (Farm Manager)*

*We heard concerns from our growers about – not necessarily domestic abuse – but kind of controlling and very male dominant relationships, where workers have come to the UK as couples. And this is something that has not really been raised before. So, we organised a thematic webinar for those with a management responsibility in farms to raise awareness of the issue and give resources on how to handle it. (Buyer)*





# Grievances: risks and recurrences in the Seasonal Worker Scheme

Migrant workers' journeys start at their point of departure in their home countries, continues in the country of destination and ends when the workers return home. Throughout these journeys migrant workers might face adverse human rights impacts. As grievances can arise at any stage of this migration process, appropriate mechanisms should be designed to address issues throughout the journey. This section offers an overview of the most recurring adverse impacts that should be considered when designing a grievance mechanism.

## The risk of unethical recruitment in source countries

Since Brexit, the UK has increasingly recruited workers from outside the EU, particularly from Central and South Asia, leading to intensified reports of unethical recruitment practices. While the recruitment field remains uneven, responsible scheme operators have tended to adapt their practices to mitigate risks of adverse impact on workers.

Some scheme operators engage in direct recruitment in source countries to minimise these risks. During the recruitment trip we directly observed, the scheme operator organised in person recruitment sessions for groups of candidates, which lasted approximately two hours, and informed candidates about their roles, working conditions, accommodation, expected costs and income. They emphasised that nobody should pay recruitment fees, warned candidates about the difficulty of the job and the weather conditions, and gave candidates the chance to raise questions. Accurately informing workers plays a crucial role in meeting their expectations once they arrive in the UK and in preventing grievances from being filed. These informative recruitment sessions we observed were complemented by an eye-hand coordination colour test to assess the candidates' physical form and a brief one-to-one interview.<sup>6</sup>

Other scheme operators rely on in-country agents who recruit workers on their behalf. Some have well-established agents in source countries with whom they work successfully, while others, lacking robust due diligence processes lost their licence. One scheme operator got its licence suspended in 2022 after it transpired that the Indonesian workers they had recruited reportedly owed up to £5,000 in fees to unlicensed foreign brokers; more than 200 Indonesian fruit pickers asked for diplomatic help when they realised they wouldn't be able to cover their debts with the income earned on the scheme.

Some of these issues arising at recruitment point are also due to a quick expansion in the selection of countries scheme operators recruited from. After Brexit, most scheme operators sourced from Ukraine, but with the start of the war, they had to quickly find new labour markets and most looked at Central and South Asia. A lack of good understanding of the local context, including formal and informal labour market rules, posed challenges both for scheme operators and the Gangmasters and Labour Abuse Authority who may have to licence the sub-contractors.

Recently, some governments in source countries have been proactively supporting a more responsible and ethical recruitment by working closely with scheme operators. For example, all Kyrgyzstani workers interviewed applied for jobs on the SWS through the website or Instagram page of the Ministry of Labour, Social Welfare and Migration. This process provided them with confidence in the scheme's legitimacy, especially since many reported to have previously encountered exploitative labour conditions in Russia, a common destination country. Through a collaboration between the Ministry and the International Organisation for Migration, workers are enrolled in International Organization for Migration led pre-departure orientation programs. Moreover, also at the pre-departure stage, the Ministry forms WhatsApp or Telegram groups to provide workers with essential information. Once the workers are in the UK, representatives from the Ministry visit farms and scheme operators in the UK to ensure workers are operating in adequate conditions.

Upon returning home, workers are invited by the Ministry to discuss their journey and any complaints they may have. However, they reportedly tend "just to express their gratitude". There is currently no systematic robust data collection, either when representatives visit workers in the UK or after workers return home. Returnees can also take part in a special training on financial literacy where they can learn how to design a business plan and how to invest their savings.



The growing involvement of Ministries of Labour from source countries in the SWS is a positive development. Labour attachés deployed to embassies in the UK could provide additional assistance to workers, a model already used by the Romanian Embassy in London. The Council of Europe<sup>7</sup> has gone further and also recommended that destination countries appoint migration attachés in countries of origin. This would ensure further support for workers, businesses and authorities as it would allow a more rapid and effective exchange of information throughout the recruitment phase and the full cycle of migration.

Recruitment risks for workers are also posed by cases where scheme operators, their sponsors, lose their licences. In a recent instance, workers from Uzbekistan who were meant to come to the UK through one of the scheme operators, had allegedly already paid for the visas and medical certificates, when they were told their sponsor had its licence revoked. They have incurred expenses that they are now uncertain they will be able to recover. There is no clear plan set in place by the UK government for these instances. In the past, when a scheme operator got its licence revoked, the Home Office asked the other scheme operators to manage their workers, but this posed its own challenges for scheme operators who had to work with workers and farms that have not gone through their own due diligence process.

All the workers we interviewed arrived in the UK through a legitimate labour recruiter and did not report having paid recruitment fees. Workers interviewed were aware of the costs incurred for their travel and post-arrival in the UK which were in line with their expectations, indicating that they were adequately informed by their respective scheme operators. However, a grievance was raised about a source country intermediary recruiter used by a British scheme operator, allegedly charging workers a 100 euros deposit for their return ticket. Workers who don't finish their contracts lost the deposit, but even those who complete their contracts claim that they struggled to recover it. (Interview 1)

Many interviewees decided to join the SWS after hearing positive experiences from friends and family about working in the UK. The primary motivation was financial; they were pleased with their income as they reported earning between £300-£550 per week. This income was intended for building a house in their home country, opening a business, paying for a parent's surgery or saving for a wedding (Interviews, 2024). Despite the difficulty of their job and sometimes dissatisfaction with the accommodation, some interviewees described working on the SWS as a welcome "adventure" to earn money and visit the UK. However, for others, the experience on the SWS was more about gritting their teeth and trying to "adapt", "thinking all the time that ...this will pass as well and that's that...". (Interview 7)

## Grievances in the country of destination

### Working conditions

#### *Adverse impacts caused by supervisors*

One of the main grievances identified in interviews was supervisors' behaviour towards workers. Few workers described their supervisor to be "always helping us" (Interview 13) and to be "encouraging us to work harder but in a constructive way" (Interview 15). Instead, supervisors were often characterised as "verbally abusive", "vulgar", "bullying", "cunning", "uneducated", with many workers complaining about their "unfair" and "discriminatory" practices.

One worker described their experience:

*Supervisors were really rude. They were abusive verbally. They used to get angry about the work we'd do. Even though nobody explained to us how to work in a correct way. They used to scream, swear in their own language and show how the work is done in a really, really rude way. We were treated like animals. I felt like being in a prison. (Interview 5).*

The behaviour of supervisors towards workers appeared to be influenced by factors such as nationality, friendships, or the workers' level of experience in the agricultural sector. Workers of the same nationality as supervisors, often Bulgarians or Romanians, were perceived to be "doing the easiest part of the job, chatting and basically doing whatever they wanted to do – they could use their phones, take short breaks, whenever they wanted to. Meanwhile, the other people [often from "-stan" countries] were treated badly." (Interview 5). Other interviewees from Central Asia explained that because many Eastern Europeans are experienced returnees, supervisors "talk nicer to them, and they get better accommodation, better [employment] positions". (Interview 6)

An Eastern European worker with a wealth of experience on the SWS, supports the view that discrimination is ongoing "not towards me, but towards other colleagues from Kyrgyzstan, Uzbekistan, etc; the supervisor shouts and scolds them, and does not always explain what they are meant to be doing" (Interview 12). These accounts are reflected by another experienced worker from another farm: "The exploitative conditions are not due to the owners, but due to the callousness of the supervisors" (interview 7). In their own words:

*Let's say, we [you and I] are on the same line for raspberry or strawberry and the line is as long as two sport courts or bigger. Let's assume that the supervisor knows me, and we get along because we are alike, he makes me turn twice on the line, arguing that I didn't pick the fruit properly; but you, you who are not his buddy, he will turn you back 14 times, while hurling abuse at you. Me, his buddy, because I am ahead of you and the others on the line, I pick the bigger fruit and I pick 14 trays, but you, not only that you suffer verbal abuse, but you also make one tray only. If you are friends with them [the supervisors], it's all good. But if you are not and you raise any issues, they will send you back to the caravan and you don't work anymore. (Interview 7)*

Another interviewer from a different farm supports this view "those who were friends with the supervisor had punnets and crates ready in the morning; the rest of us didn't, so it was impossible to reach the target". (Interview 4)

Higher up managers and owners were generally perceived to be more helpful and willing to rectify issues than supervisors. Some workers thought that "people in the office were very nice, but I don't think they knew what was happening out on the field" (Interview 4). At least another two interviewees raised a similar point, noting that supervisors were behaving very well in front of British managers, but once they left, it was back to "normal" (Interview 5, Interview 7). A highly experienced worker argued that at times management chose to overlook supervisors' behaviour to boost productivity on the farms. (Interview 3)

#### *Targets: penalties or bonuses*

Targets that workers must fulfil are often a point of contention between workers and supervisors, and workers and higher-up management. The agricultural sector often uses a three-strike rule, meaning that supervisors can penalise slow pickers and reward fast pickers, while growers could fire those who repeatedly fail to meet their quotas.

*We always had conversations about how much we pick and how bad the results were, so we were threatened with a strike if we don't pick fast enough; for each strike they could deduct 30 minutes of our working time or they'd send someone home to the caravan or give them unpaid break and they'd have to sit aside and wait. If the caravans were far away and you were sent home, you'd just have to wait in the field until the bus would come and pick you up. (Interview 6)*

Some growers see the three strikes approach as any other disciplinary performance related procedure that a business would have, while some workers claim that there should be more leniency when people don't meet their targets due to the cost of travelling that people incurred to get to the UK. (Interview 4)

For newcomers in particular, meeting targets can be very challenging, not solely for achieving bonuses, but more importantly for keeping their job. Some newcomers were confused about targets and did not understand or know how they worked (Interview 19). In larger farms, those who cannot meet their targets, may be offered alternative jobs in general "maintenance" (Interview 3, Interview 4), but not all farms have this option available. Otherwise, it comes down to sponsors to find an alternative farm, which leaves workers in a "tense" and "mentally a very uncomfortable" relationship with the farm (Interview 22).

Some workers felt that targets were increased unjustifiably to make them harder to achieve (Interview 6) or were subject to favouritism as discussed earlier. Others recounted different challenges that impaired them from getting bonuses: "Sometimes we finished working in one field and we got transferred to another during mid-day. But this meant that we lost the bonus due to the travel time". (Interview 1)



### Contracts length and hours worked

Some interviewees were satisfied with the number of hours worked, often reported between 32-42 hours, especially the newcomers or the older workers, due to the physically demanding nature of the job. However, we note with concern that DEFRA's survey in 2022 reported that only 60.7% of workers surveyed were employed for more than five months, and 19% for less than four months. This explains why an interviewee argued that farms overrecruited and did not have enough work available. Other reliable sources indeed suggest that farms previously overrecruited to ensure they had sufficient workforce for the eventuality of optimum yield production, with little regard for the excess workers they would have to dismiss in the eventuality of lower yield production. However, with the requirement to provide a minimum of 32 hours of work per week, farms are now arguably conducting more accurate assessments of their true labour needs.

In most cases described by interviewees, scheme operators arranged a transfer to another farm which provided more work. In two cases, workers were notified by the farm, and not by their scheme operator, that their contracts would come to an end. When they contacted the scheme operator, their calls and emails remained unanswered for weeks. One distressed worker explains:

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**"I spent a lot of money to come to the UK and I couldn't go back without money. We had to find a way. When we emailed [the scheme operator], they did not answer so we had to move to London. But five people stayed behind, continued to pay for accommodation though they had no work (...) We moved to London and found a job [with no contract] until the visa expired. It was very hard to find employment, but the salaries were higher than home, and it was ok in the end."**

Interview 1

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One of their work colleagues, desperate after not having heard back from the scheme operator, decided to travel to their head-office. Only then, the scheme operator relented and transferred him to another farm.

### Living conditions

Accommodation conditions varied drastically from farm to farm. They ranged from "horrible", "damp", "cold", "unsanitary", "with ripped furniture" and "very small rooms" and "uncomfortable" when having to share a bedroom with strangers to "amazing" and with "exemplary cleanliness" and "regular inspections". During site visits, we found that some farms offered various types of accommodation for groups, couples, or individuals. Separate kitchens were offered for female and male workers, and shops on site offered halal food, catering particularly for Muslim workers from Central Asia. Communal social and entertainment spaces and small gyms were also available.

One interviewee recounts in detail:

*It was very cold, it was September-October. The walls were very thin. We could hear everything. There were two caravans next to each other, the distance between them about three metres. I could hear all the noise from the caravan next door, I could hear people snoring, and that was when the window was closed! In my view, the accommodation was very bad. When washing clothes, they were getting damp and would never dry. We had an electric fire in the caravan, but if we used it, it would finish in two days. We raised the issues with the caravan site manager, but he didn't do anything. One neighbour gave us a heater until we could go to ASDA to buy our own heaters. (Interview 1)*

Accommodation standards clearly varied and bigger farms were able to invest in accommodation, while smaller farms couldn't due to high costs and the challenge of writing off expenses for high quality caravans.

### Workers' vulnerabilities

The existence of concerns and the availability of grievance mechanisms does not always result in workers filing in grievances. We have seen positive examples where factors of vulnerability, commonly considered at the individual level, such as language and IT skills, were addressed adequately by businesses; some offered grievance mechanisms in multiple languages and IT support, or a variety of grievance mechanisms that didn't require IT skills.

However, workers' vulnerabilities are enhanced primarily at the systemic level, specifically due to the design of the SWS:

- i) Workers' contracts and accommodation are dependent on the scheme operator and farm – the collaborative nature of this relationship increases workers' reluctance to raise concerns through either of their GM because they may jeopardise their job.
- ii) The short nature of migrant workers' contracts and the costs incurred to travel to the UK sometimes means, in the words of an interviewee that "People put up with the pain because of the money. We never complained because we came to make money, not to complain and we know in six months it will be over" (Interview 1).

- iii) Workers' knowledge of the system in the UK, including grievance mechanisms and labour enforcement, is largely dependent on the quality of the information scheme operators provide during the recruitment session and farms during the induction session.
- iv) The lack of a gendered grievance mechanisms decreases the likelihood that female workers will report gender related abuses such as sexual harassment.
- v) Being somewhat geographically isolated on farms, when workers encounter issues that are not addressed by the grower or the scheme operator, they are left with no support network. In one case, a young IT literate worker reported difficulty finding support when their contract was unexpectedly terminated by the farmer and the scheme operator was unresponsive (Interview 24). In another case, a group of workers who did not speak English turned up to Citizens' Advice for help, who in turn were not equipped to deal with this issue and were uncertain where to refer them to.





# Key takeaways

## Actor-specific recommendations

A possible way forward in the provision of grievance mechanisms within the SWS is a reflection on the responsibilities of different actors towards workers' rights and related grievances. Below a list of actor-specific recommendations:

### State actors:

- clarify guidance on non-state grievance mechanisms, making a clear connection to access to remedy and business responsibility to respect workers' rights.
- hold business actors accountable for the effective provision of grievance mechanisms and related remedy.
- improve transparency of collected data to assist organisational learning and ensure actors' accountability.

### Farms:

- offer first and main point of contact to workers for filing on-site grievances, both informally and formally; informal grievance mechanisms are common and acceptable, but there should be a clear route to escalation for specific abuses.
- be aware of on-site organisational constraints and ask for support in designing and implementing effective mechanisms to other SWS actors.
- use filed grievances to make changes and improve organisational practices so to avoid abuse repetition.

### Scheme operators:

- be compliant with the requirement to ensure procedures are in place for reporting concerns, and make sure farms offer operational GMs.

- be ready to compensate when farms' capacities are limited (e.g. due to farm size).
- work on prevention and reduction in the causes of grievances (including during recruitment), and use information on filed grievances and surveys to understand necessary changes and avoid abuse repetition.
- offer points of contact for workers directly on farms, and act as escalation point when grievances at a farm level are not resolved.
- make sure there is a direct connection between filed grievances and effective access to remedy.

### Retailers:

- use leverage to promote the use of non-state grievance mechanisms as a risk management tool.
- offer support on designing and implementing operational grievance mechanisms to suppliers beyond first tiers, focusing on capacity building of smaller farms.
- act as an escalation point on most severe cases, and carefully consider responsible disengagement from farms only when all other support routes have been exhausted.

### Civil society organisations:

- hold accountable the aforementioned actors, and advocate for workers' rights, ensuring the loop abuse-GM-remedy is followed through.
- support and inform workers about their rights in a non-state remedial process.

## The business case for grievance mechanisms: key benefits

We report below a list of key business benefits resulting from the design and implementation of effective grievance mechanisms:

- **Improved working conditions and enhanced labour relations:** GMs can signal necessary improvements in the organisation and patterns of work, which can lead to improved working conditions and a decrease in compensation payments and absenteeism. A functioning GM can also build trust between workers and management, improving overall labour relations and fostering a more positive workplace environment.
- **Reduced repetition of grievances:** By addressing grievances timely and effectively, businesses can prevent future grievances and harms.
- **Timely identification of issues:** An effective GM allows businesses to identify actual and potential issues promptly, preventing them from escalating into human rights concerns. It can also help detect trends that may indicate more serious underlying problems, enabling the implementation of preventive measures.
- **Prevention of issue escalation:** An on-site GM can act as a "safety valve" and prevent the escalation of disputes, allowing for early intervention before issues become more serious. On-site GMs allow businesses to address issues at the local level before they escalate and reach buyers or the media.
- **Decreased appeals:** An effective GM, which involves workers' perspectives in the resolution of an issue, can decrease the number of appeals against the outcomes of grievances. The UNGPs (31.g) require businesses to base their mechanisms on engagement and dialogue, so to be able to keep in consideration the direct perspective of the affected stakeholders.
- **Increased transparency:** Effective GMs increase transparency, which is beneficial to all actors in the supply chain. This transparency builds trust and helps meet contractual obligations, audits, and codes of conduct.
- **Proactive stance:** Buyers and Investors are increasingly focused on responsible corporate behaviour. Implementing an effective GM aligns with expectations for responsible conduct.
- **Meeting (1) legal obligations, (2) international human rights standards, (3) buyers' code of conduct, (4) social audits:** GMs are a requirement of the UK law, and align with international standards on responsible business conduct, including the UNGPs, the new European Directive on corporate sustainability due diligence, as well as codes of conduct and social audits.



## Topic-specific recommendations

We provide below a list of recommendations related specific topics that emerged throughout our field research.

### Recruitment

- Scheme operators should be requested by the Home Office to provide workers with specific information during recruitment sessions, including details about their roles, working conditions, wage, costs, weather conditions, job difficulty and a timeline of the recruitment process, to ensure workers' expectations are met, hence minimising potential grievances in due course.
- Growers should carefully select scheme operators based on responsible recruitment practice, and make sure workers go through appropriate induction sessions that make them well aware of working and living conditions in the UK. Despite the supply of workforce, caution is advised in the (rapid) expansion of recruitment countries. A quick increase in options raises challenges, both for SO and the GLAA, in understanding labour market rules, heightening compliance risks and the likelihood of grievances in those countries.
- Migrant workers who may experience adverse impacts (including fee payment) during their recruitment process should have the opportunity to raise ad-hoc grievances on arrival.

### Informality of grievances

- It is critical that those responsible for handling informal grievances are able to assess the issue raised and to recognise triggers for escalation – this should be ensured through proper training, including on how to ensure workers can report safely, and human rights expectations and related business responsibilities.

### Workers' awareness of grievance mechanisms

- Workers' access to grievance mechanisms should be introduced during the induction process; information should be displayed through brochures and posters at caravan sites and social areas, and workers should be periodically reminded of their existence.
- Employment contracts should include contacts for the GLAA, ACAS and NGOs such as Unseen, FLEX, Work Rights Centre where workers can log a grievance or seek advice, when their farms and scheme operators do not provide adequate support or information.
- Relying solely on workers' awareness of GMs and their reports on issues is inadequate for early identification and resolution of problems due to factors such as the fear of jeopardising their visa and job, lack of understanding of their rights, previous experiences, lack of collective representation, cultural background.

### Access to remedy

- All business actors involved in the SWS should make sure that GMs are worker-centred and connected to a remediation process in case the grievance relates to an adverse impact on the worker's rights, including after the worker has left the UK.
- Workers should have at their disposal multiple channels for filing grievances and utmost attention should be paid to ensuring anonymised options provided are safe.
- To address the paradox where supervisors are both the main cause of workers' grievances and the primary grievance mechanism, farms should:
  - inform workers of alternative grievance mechanisms
  - build trust with workers
  - recruit and train supervisors in a way that minimises risks of abuses.
- Third-party involvement (including NGOs) and direct engagement with workers should be considered from the design of the GM up to the provision of the actual remedy.

### Gender

- Business actors should make sure that gender-specific grievance channels are available for safely reporting concerns related to sexual harassment, women's health and gender discrimination. This would include providing initial training and ad-hoc training to the grievance handlers.
- Farms should consider the gender of their staff responsible for handling grievances and ensure that female and male staff are available and are adequately trained.

### Data

- There is no lack of collected data but there is a lack of publicly available data which hinders transparency and reciprocal learning on what works and what does not with grievances and grievance mechanisms. Sector-wide efforts -including by public actors - could be made to increase the knowledge sharing of what happens on the ground.
- Guidelines on reporting on grievance mechanisms could be established within the scheme (see p. 25).
- Farms and labour providers should analyse data on grievances to identify trends, gaps and opportunities to improve practices.



## Grievance mechanism design: what to consider

Data collected during the project, which included interviews, direct observations, and desk research, allowed us to draw key points that should be considered by organisations when designing new grievance mechanisms, or reviewing existing ones. Nonetheless, it should be considered that the design features of a grievance mechanism is to a large extent driven by company-specific factors, and in some cases, influenced by external pressures - including from NGOs and trade associations.

Key Factors <sup>8</sup>	Matters to consider
<b>Background</b>	<p><b>Is the GM built upon a pre-existing mechanism? Eg, was the original mechanism designed for a specific purpose - such as modern slavery reporting, or human resources grievances - and now re-purpose?</b></p> <p><b>Pros:</b> Relying on pre-existing tools might prevent to incur in additional costs for setting up an ad-hoc mechanism. Familiarity with the tool might support its management.</p> <p><b>Cons:</b> Expanding the purpose of the GM to a broader range of grievances and workers might not be straightforward. Managers handling GM should be provided with specific training on how to prioritise grievances based on the severity of the claimed abuse.</p>
<b>Design</b>	<p><b>Ownership: Who owns the GM?</b></p> <p><b>Is the GM initiated and established by an organisation outside the adoption site (eg, a labour provider or a buyer)?</b></p> <p><b>If so, are the specific site characteristics kept in consideration?</b></p> <p><b>Have workers' inputs on accessibility of the mechanism been considered?</b></p> <hr/> <p><b>Formal/informal character: Does the mechanism allow for informal grievances to be reported? Eg, is the mechanism's primary handler (supervisor or site liaison officer) required to keep track of all grievances they receive?</b></p> <p><b>Operational perspective:</b> Logging in all grievances might be challenging, but there should be a way for tracking trends on common grievances and for reporting most severe cases. Informal reporting might be the fastest and easiest way for a worker to report a concern, but might not always be appropriate depending on the severity of the case, and on the relationship between the manager handling the grievance and the worker (might the handler be the perpetrator?).</p>
<b>Coverage</b>	<p><b>Spatial coverage: Where is the GM operating?</b></p> <p><b>Does the mechanism exist across all sites?</b></p> <p>All workers under your responsibility should be ensured equal access to grievances.</p> <hr/> <p><b>Business relationship coverage: Is the GM extended to smaller suppliers / growers / contractors / business partners?</b></p> <p><b>If so, did you consider specific characteristics of different operational sites? (eg, is your GM accessible via an app? If so, did you consider on-site data coverage?)</b></p> <hr/> <p><b>Workers coverage: Is the GM available to all workers?</b></p> <p><b>Are former workers eligible to file grievances? If so, for how long?</b></p> <p><b>Does the GM consider specific individual characteristics for ensuring accessibility? (including language barriers and gender)</b></p>

Key Factors <sup>8</sup>	Matters to consider
<b>Coverage</b>	<p><b>Topics coverage: Does the GM cover a different range of complaints in a relatively unspecific way?</b> (including human rights and labour relations issues, living conditions, and minor concerns not related to human rights impacts).</p> <p><b>Pros:</b> GMs specifically designed to cover specific issues might perform better, and be more effective in tackling specific human rights abuses.</p> <p><b>Cons:</b> offering multiple GMs for different issues might be operationally challenging, and might be confusing to workers.</p>
<b>Process</b>	<p><b>Channels: Through which channels can grievances be filed?</b></p> <p><b>Are access points (eg, first contact point, phone numbers, email addresses, forms) clear and promoted to workers? Are these channels in a language that is suitable for your workforce?</b></p> <p><b>Do workers know how to report a grievance?</b></p> <p><b>Do they feel empowered to do so?</b></p> <p><b>Have you considered gender-specific challenges in reporting sensitive matters?</b> (including sexual harassment and women health-related issues).</p> <hr/> <p><b>Protection from retaliation: Are there specific clauses/systems in place to avoid retaliation?</b></p> <p><b>Is confidentiality ensured and anonymity provided upon request?</b></p> <p><b>Does the worker have more than one contact point (in case the main contact point might be the source of the grievance)?</b></p> <hr/> <p><b>Decision-making process: How are decision taken?</b></p> <p><b>Is there a set timeline for a decision to be taken?</b></p> <p><b>Are responsibilities clearly assigned? Do you inform workers of the decision?</b></p> <p><b>Is there a third-party involvement? Is there an appeal procedure/possible escalation available to workers?</b></p> <p><b>In case of criminal behaviour, is there a system in place to escalate the grievance to the competent authority?</b></p> <p><b>Are your managers trained to recognise the most severe cases of abuses?</b></p> <hr/> <p><b>Monitoring: is there an independent party that monitors your mechanism?</b></p> <p><b>Are workers/their representatives involved in the monitoring process?</b></p> <p><b>How do you assess the effectiveness of the GM?</b></p>
<b>Outcomes</b>	<p><b>Claimant side: Is the grievance always followed up?</b></p> <p><b>Is the worker always informed by the decision? Is the impact on the claimant monitored?</b></p> <p><b>Is there an escalation option?</b></p> <hr/> <p><b>Company side: Is there a management feedback / learning process embedded in the GM?</b></p> <p><b>Is there a monitoring system of filed grievances/outcomes at an organisational level?</b></p> <hr/> <p><b>Remedy (dis)connect: Is the provision of remedy considered in the GM outcome?</b></p> <p><b>Have you considered that grievance handling might not necessarily equal to the provision of remedy?</b></p>



## Recommendations from workers

During our interviews we asked workers what they would change in their working and living conditions, as well as their views on grievance mechanisms. We summarise below key takeaways:

### Living conditions

- Accommodation costs for caravans do not always match the quality offered.
- The provision of more social spaces dedicated to women would make female workers more comfortable during off-work hours.
- More accommodation options could be offered, including accommodation more suitable for couples and more spacious for strangers who may have to share a very small room.

### Choice over farms and job roles

- Make sure farms have relevant information for the selection of scheme operators, including human rights due diligence and responsible recruitment process, which can guarantee a commitment to respect workers' rights thus in turn fewer future grievances.
- Set a common standard for scheme operators on information they must provide before departure related to working and living environment, different farm settings and job roles.
- The possibility to change employer without a third-party involvement would make the process fairer for the worker.

### Visas and costs

- The short-term visa makes it not very cost effective for workers.
- There should be more clarity on any charges from scheme operators, such as those for organising the travel. More information about tax refunds and support on tax-related issues would help workers.

**Induction, targets and new arrivals:** more leniency towards new workers when they don't meet their targets would be appreciated.

**Access to grievances:** Sponsors and growers should be signposting to workers where they can find support outside the "sponsor and farm" when they want to raise a grievance. This could be done at the recruitment stage as well as by specifying it in the contracts and distributing brochures at the workplace.

## References

- 1 For more information, see: <https://www.gov.uk/government/publications/independent-review-into-labour-shortages-in-the-food-supply-chain-government-response/independent-review-into-labour-shortages-in-the-food-supply-chain-government-response> or see DEFRA annual surveys.
- 2 The UKVI guidance for sponsors only states that it is the responsibility of sponsors to monitor workers' welfare, including that "workers are housed in hygienic and safe accommodation that is in a good state of repair" (SE3.4).
- 3 FLEX (2024) *Not here for the weather: Ensuring safe and fair conditions on the UK's Seasonal Worker Scheme*, June 2024, <https://labourexploitation.org/app/uploads/2024/06/FLEX-2024-Not-here-for-the-weather-Full-report.pdf>; Sehic, A. and Vicol, D.-O. (2023) *Systemic drivers of migrant worker exploitation in the UK*, *Work Rights Centre (WoRC)*, November 2023, <https://www.workrightscentre.org/media/1367/final-systemic-drivers-of-migrant-worker-exploitation.pdf>; Rapporteurs (2024) Letter to David Cameron, UK's foreign secretary, 20 March 2024, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28837>
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- 5 For a definition of key concepts – including adverse human rights impact, human rights abuse, and human rights violation- see "Access to remedy in cases of business-related human rights abuses – An interpretative guide", *United Nations Human Rights*
- 6 Researcher's fieldwork, Bishkek, Kyrgyzstan, 2024.
- 7 Council of Europe (2023) Preventing and combating trafficking of human beings for the purpose of labour exploitation. Recommendation CM/Rec(2022)21 of the Committee of Ministers to member States.
- 8 The categories of main factors to be considered are based on the *Manchester Study* prepared for *Accountability and Remedy Project phase III* of the UN High Commissioner for Human Rights





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[lara.bianchi@nottingham.ac.uk](mailto:lara.bianchi@nottingham.ac.uk)  
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